IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 31648 of 1998

Between:

D.Suresh Kumar,

S/o. Nataraja Sharma, Advocate,
Plot No.1, Adityasai Apartments,

SBH Colony, Asmangadh,
New Malakpet,

Hyderabad-36.

..... PETITIONER

AND

1 Govt. of A.P., rep. by its Secretary, Women & Child Welfare

Dept., Secretariat, Hyderabad.
2 Commissioner of Juvenile Welfare and Correction Services,

Malakpet, Hyderabad.
3 The Superintendent of Observation Home for Boys,

Chenchalguda,
Hyderabad.
4 The Superintendent of Juvenile Home for Boys,

Saidabad,
Hyderabad.
5 The Superintendent of Special Home for Boys,

Saidabad,
Hyderabad.
6 The Superintendent of Observation/Juvenile/Special Homes

for Girls , Nimboliadda,
Hyderabad.
7 Commissioner of Police, Hyderabad.
8 Secretary , Department of Home,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue a Writ or direction more particularly one in the nature of' WRIT OF MANDAMUS' or any other appropriate writ directing the Govt. of A.P. to order for a Judicial enquiry by a sitting judge of High Court of A.P. into the ill-treatment, illegal detention and deplorable conditions prevailed in observation/Juvenile /Special Homes for Boys and Girls situated at Hyderabad, and further direct the respondent herein to strict implementation of Rule -16,17,18,19,20&25 of the A.P., Juvenile Justice ,Rules ,1987 and further direct the Dist. Judge to visit the Homes once in a month to ensure that Juveniles are properly looked after when in custody and punish the erring officials who are responsible for ill-treatment and also award compensation to the victim Juveniles.

Counsel for the Petitioner :MR.V.RAGHUNATH

Counsel for the Respondents : G.P. FOR WOMEN DEV. & CHILD Welfare and G.P. for Home

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

The writ of habeas corpus was filed in public interest and was numbered as W.P. (SR) No.160272 of 1998. When the writ petition came up for hearing, the Bench directed the same be amended as writ of mandamus in public interest and this is how the A.P. Civil Liberties Committee converted this petition praying that judicial enquiry be directed into the deplorable conditions prevalent in the Juvenile/Special Homes for Boys and Girls and further direct compliance of the provisions of Andhra Pradesh Juvenile Justice Rules, 1987. This writ petition has been pending for the

last more than six years now. At the relevant time, Juvenile Homes were governed by the provisions of Juvenile Justice Act, 1986 and the Rules made thereunder.

During the pendency of this petition, the Juvenile Justice (Care and Protection of Children) Act, 2000 has come into force and the State Government has also framed A.P. Juvenile Justice (Care and Protection of Children) Rules, 2003. There is a sea change by the new legislation after review of the working of the Juvenile Justice Act, 1986 was taken up.

It will be a futile exercise as of today to go into the allegations made in the petition, which was filed when new legislation was not in force. Petitioner will now have to seek appropriate directions against the respondents for implementation of provisions of the Act of 2000 and the Rules framed thereunder.

With leave and liberty granted to the petitioner to file comprehensive petition, the present writ petition is disposed of.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

02-08-2004

bsc

To

1 The Secretary, Women & Child Welfare

Dept., Govt. of A.P., Secretariat, Hyderabad.
2 Commissioner of Juvenile Welfare and Correction Services,

Malakpet, Hyderabad.
3 The Superintendent of Observation Home for Boys,

Chenchalguda,
Hyderabad.
4 The Superintendent of Juvenile Home for Boys,

Saidabad,
Hyderabad.
5 The Superintendent of Special Home for Boys,

Saidabad,

Hyderabad.

6 The Superintendent of Observation/Juvenile/Special Homes

for Girls , Nimboliadda,
Hyderabad.

7 Commissioner of Police, Hyderabad.

8 Secretary , Department of Home,
Govt. of A.P., Secretariat, Hyderabad.

9 2CCs to Govt. Pleaders for Home and Women Development & Child

Welfare, High Court Buildings, Hyderabad.

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